



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Moab Field Office  
82 East Dogwood  
Moab, Utah 84532

30190065  
cc: Mike



RECEIVED

JUL 19 2013

DIV. OF OIL, GAS & MINING  
JUL 16 2013

IN REPLY REFER TO:

3809  
UTU-83411  
(UTY012)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED  
Certified No. 7012 2920 0001 9165 2470

### DECISION

Mr. Frank Filas : Surface Management  
Energy Fuels Resource Corp. :  
44 Union Boulevard, Suite 600 :  
Lakewood, Colorado 80228 :

### DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT REDUCTION

The Bureau of Land Management (BLM) inspected Energy Fuels' Whirlwind Mine Vent Shaft Locations on June 5, 2013. The Whirlwind Mine is in idle status and none of the ventilation shafts have been installed. No surface disturbance was identified. In a Decision sent to Mr. Zack Rogers in August 2011, the BLM incorrectly requested the bond amount for all vent shafts which is calculated at \$43,800.00. This decision reduces the reclamation cost from \$43,800.00 to \$7,300.00, which is the financial guarantee we have on record and appropriate to have in place until operations begin at the Whirlwind Mine. Copies of this decision have been provided to the adjudication staff in the BLM Utah State Office and DOGM.

### Appeal of the Decision

If you do not agree and are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State Director Review, the request must be received in the Utah BLM State Office at 440 West 200 South, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must

be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a Stay is granted by the State Director. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your Notice of Appeal with this office at Moab Field Office at 82 East Dogwood, Moab, Utah 84532, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at Moab Field Office at 82 East Dogwood, Moab, Utah, 84532, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your Notice Appeal. Copies of the Notice of Appeal and petition for stay must also be submitted to each party named in the decision and to the Office of the Solicitor at Federal Building Rm-6201, 125 South State Street, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the standards listed below.

#### **Standards of Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

If you have any questions concerning this reduction in the financial guarantee amount, please contact Rebecca Doolittle at the BLM Moab Field Office at 82 East Dogwood, Moab, Utah 84532, or by telephone at (435) 259-2141.

Sincerely,

**/s/ Lisa Bryant**

Lisa Bryant, acting  
Field Manager

1 Enclosure

1 - Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals

cc. UDOGM, S/019/0065  
BLM, UT-923